

Frequently Asked Questions

Decommissioning Stage II Systems

August 5, 2013 (revised)

1. What is the most recent action that MassDEP has taken regarding Stage II vapor recovery systems?

On June 21, 2013, MassDEP Commissioner Ken Kimmel issued a Stage II Vapor Recovery Enforcement Discretion Directive announcing that, as of July 1, 2013, all gasoline dispensing facilities (GDFs) in Massachusetts may decommission their Stage II Vapor Recovery systems. A copy of the Directive is posted at the following link:

<http://www.mass.gov/eea/docs/dep/air/community/s2edd13.pdf>

2. Why is MassDEP allowing Stage II decommissioning?

In May 2012, the U.S. Environmental Protection Agency (EPA) issued a rule allowing states to phase out their Stage II Vapor Recovery programs. EPA's action was based on its determination that onboard refueling vapor recovery (ORVR) systems are in widespread use in the motor vehicle fleet nationwide and Stage II Vapor Recovery systems may no longer be needed to control emissions.

MassDEP then conducted an assessment of the costs and benefits of its Stage II and Stage I vapor recovery programs and determined Stage II systems will continue to reduce emissions in Massachusetts through 2015, but that the reductions are not cost-effective. The evaluation also demonstrated that cost-effective emission reductions can be achieved by enhancements to Stage I systems. Based on this assessment, MassDEP intends to propose regulations that would eliminate the Stage II program and require improvements to Stage I vapor recovery systems.

In the meantime, MassDEP is allowing the decommissioning of Stage II systems before the regulatory changes go into effect so that facilities will not continue to incur the costs of maintaining Stage II systems.

3. Can I stop operating and maintaining a Stage II system without decommissioning it?

No. The owner/operator must either maintain the Stage II system in accordance with 310 CMR 7.24(6) or decommission the entire Stage II system in accordance with the June 21, 2013 Enforcement Directive.

4. Do I have to maintain a Stage I system if I decommission the Stage II system?

Yes. Owners/operators must continue to maintain Stage I systems that have been certified by the California Air Resources Board (CARB). MassDEP's Stage II regulations require that Stage II systems be certified by CARB Executive Orders, and these Executive Orders all specify that Stage II systems are certified when used with CARB-certified Phase I (Stage I) vapor recovery systems. While MassDEP is allowing the decommissioning of Stage II systems, a condition of MassDEP's enforcement discretion is that Stage I systems pass all applicable Stage I compliance tests after decommissioning (see question 5). In addition, EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP) for GDFs (40 CFR Part 63, Subpart CCCCCC) also require that applicable GDFs maintain Stage I systems.

5. What are the requirements for decommissioning?

A. To decommission a Stage II system, as stated in the Directive, the owner/operator must:

- Decommission the entire Stage II system in accordance with the Petroleum Equipment Institute's (PEI's) Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites (PEI/RP300-09), Chapter 14: Decommissioning Stage II Vapor Recovery Systems;
- If not already installed, install the following California Air Resources Board Enhanced Vapor Recovery (CARB EVR) equipment at the time of decommissioning:
 - CARB EVR Stage I Pressure Vacuum Vent Valve(s), and;
 - CARB EVR Stage I rotatable product and vapor adaptors as described in the CARB EVR Stage I Executive Orders.

CARB EVR Executive Orders can be reviewed at the following link:

<http://www.arb.ca.gov/vapor/eo.htm>

Please Note: Facilities with coaxial Stage I systems are not required to install rotatable adaptors at decommissioning.

B. After decommissioning the system, the following compliance tests must be performed on the Stage I system and passed before re-commencing operations:

- i. Pressure Decay 2 inch Test (CARB TP-201.3);
- ii. Vapor Tie Test (San Diego APCD TP-96-1, section 5.1.9);
- iii. Pressure/Vacuum Vent Valve Test (CARB TP-201.1E);
- iv. Static Torque Rotatable Adaptor Test (CARB TP-201.1B); and
- v. If a facility has installed a Stage I Enhanced Vapor Recovery System, either
 - a. Leak Rate of Drop Tube/Drain Valve Assembly Test (CARB TP-201.1 C); or
 - b. Leak Rate of Drop Tube/ Overfill Prevention Devices (CARB TP-201.1D).

If a facility fails any of the tests cited in (i) through (v) above, the failed Stage I component shall be replaced with a comparable CARB EVR component.

C. Submit to MassDEP a fully completed Stage II System Decommissioning Notification Form with the following attached:

- i. a copy of the completed PEI RP300 Stage II Decommissioning Checklist signed by the contractor who performed the decommissioning; and
- ii. a copy of passing test results for required tests.

A copy of the Stage II System Decommissioning Notification Form is posted at the following link:

<http://www.mass.gov/eea/docs/dep/air/approvals/stage2dn.pdf>

6. Where can I get a copy of Petroleum Equipment Institute (PEI)'s decommissioning guidance?

A copy of PEI's decommissioning guidance is available for purchase from PEI at the following link:

<http://www.pei.org/>

7. Who can decommission a Stage II System?

MassDEP recommends contacting a Stage II Compliance Testing Company or maintenance contractor to obtain decommissioning services.

8. Are there changes regarding the annual fee?

MassDEP's current annual fee charged for Stage II systems under 310 CMR 4.00 will remain in effect for Stage II systems in operation as of July 1, 2013. A Stage I fee will be proposed to replace the Stage II fee.

9. Must I perform Stage II compliance tests and the annual Stage II certification if I plan to decommission?

Facilities that have a Stage II compliance certification due date between May 15, 2013 and September 1, 2013 will not be required to perform the Stage II annual compliance testing and certification, provided that the facility decommissions its Stage II system in accordance with PEI RP300 Stage II Decommissioning Practices, passes applicable Stage I tests and submits a Stage II Decommissioning Notification, PEI Decommissioning Checklist, and copy of passing test results to MassDEP no later than September 1, 2013.

Facilities that have a Stage II compliance certification due date after September 1, 2013 will not be required to perform the Stage II annual compliance testing and certification provided that the facility decommissions its Stage II system in accordance with PEI RP300 Stage II Decommissioning Practices, passes applicable Stage I tests and submits a Stage II Decommissioning Notification, PEI Decommissioning Checklist, and copy of passing test results to MassDEP on or before the due date of the Stage II compliance certification.

10. What are the requirements for facilities that decommissioned their Stage II system pursuant to the July 2, 2012 Enforcement Discretion Directive?

Facilities that decommissioned their Stage II system pursuant to the July 2, 2012 Enforcement Discretion Directive are not subject to the June 21, 2013 Enforcement Discretion Directive. These facilities must maintain their CARB-certified Stage I systems and will be subject to the amended Stage I regulations when they are promulgated.

11. What are the Stage I requirements for newly installed GDFs?

Newly installed GDFs at locations where motor vehicle fuel has not been previously dispensed must, at a minimum, install a CARB-certified (pre-EVR) Stage I system. These systems will be subject to amended Stage I regulations when they are promulgated, and therefore owners/operators should consider installing CARB-certified EVR systems or CARB-certified EVR components. For an overview of the Stage I regulation that MassDEP is going to propose see the June 21, 2013 Enforcement Directive.